

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ANNIE M. SCALES,

Plaintiff,

vs.

JENNIFER TOGLIATTI, Judge; LAS VEGAS
POLICE DEPARTMENT; NEVADA STATE
BOARD OF NURSING; EIGHTH JUDICIAL
DISTRICT COURT;

Defendant.

2:09-cv-1368-JCM-RJJ

REPORT & RECOMMENDATION
OF UNITED STATES
MAGISTRATE JUDGE

The Court having reviewed this matter and having held a hearing on March 1, 2010,
makes the following findings,

1. Plaintiff, Annie M. Scales, is suing a state court judge regarding a criminal conviction from eleven (11) years ago.
2. Plaintiff, Annie M. Scales has no record of having pursued a state court appeal of said criminal conviction.
3. There is no cause of action for a civil rights violation against a state court judge.

Based on the foregoing and good cause appearing therefore,

RECOMMENDATION

IT IS THE RECOMMENDATION of the undersigned Magistrate Judge that this case be
DISMISSED WITH PREJUDICE.

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NOTICE

Pursuant to Local Rule IB 3-2 [former LR 510-2] any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within ten (10) days after service of this Notice. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986). This Circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991); Britt v. Simi Valley United Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).

DATED this 11th day of March, 2010.


ROBERT J. JOHNSTON
United States Magistrate Judge